

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10991-NG

KENNETH M. WHITE and
MANDY DIAS

Plaintiff

vs.

ERIC MADONNA and CITY OF
FALL RIVER,

Defendants

PLAINTIFFS' MOTION TO ESTABLISH SCHEDULING ORDER

Plaintiffs Kenneth M. White and Mandy Dias hereby jointly move to modify and re-establish the scheduling order in this case pursuant to Local Rule 16.1(G).

In support of this motion, the plaintiffs state:

(1) On February 1, 2005, the parties participated in non-binding mediation as arranged by the Administrator of the ADR Program of the U.S. District Court for the District of Massachusetts. The result of that effort to resolve this case without a trial was unsuccessful. It is necessary therefore to return this case to the Court's litigation schedule.

(2) The parties originally filed a Joint Statement with a proposed litigation schedule on July 13, 2004.

(3) Plaintiffs also filed their Initial Disclosures on July 13, 2004.

(4) The Court issued a preliminary Scheduling Order on August 10, 2004, which now needs to be modified.

LAW OFFICES OF
BEAUREGARD, BURKE
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FILED
In Open Court
USDC, Mass.
Date 2/28/05
By *[Signature]*
Deputy Clerk

2/28/05 *[Signature]*, M.J. after hearing, this Court hereby allows the motion. This Court does take note, however, that the Defendant, Eric Madonna, is in military service in Iraq. Discovery shall continue, particularly with respect to the City of Fall River. If an issue develops respecting Mr. Madonna, the parties shall inform the Court.

(5) Defendant Eric Madonna's current active military service will have no effect on the proposed scheduling order because defendant Madonna has already been deposed.

WHEREFORE, the plaintiffs propose the following schedule for litigation events:

1. Filing of Motions to Amend March 15, 2005
2. Completion of Fact Discovery and Depositions August 1, 2005
3. Plaintiffs' Disclosure of Experts August 15, 2005
4. Defendants' Disclosure of Experts September 15, 2005
5. Completion of Expert Depositions November 1, 2005
6. Deadline for Filing Dispositive Motions December 1, 2005
7. Pre-Trial Conference February 1, 2006

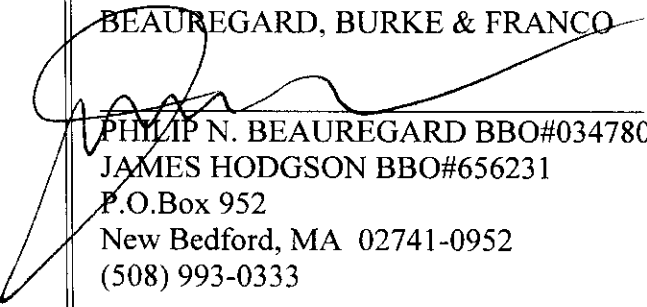
Plaintiffs do not consent to trial by Magistrate.

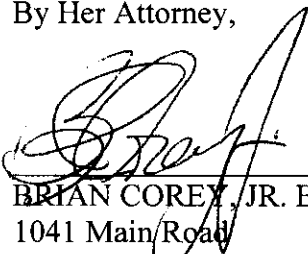
Respectfully Submitted,

Plaintiff Kenneth M. White,
By His Attorneys,

Plaintiff Mandy Dias,
By Her Attorney,

BEAUREGARD, BURKE & FRANCO


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Dated: 